REMARKS

Claims 1-8 and 10-17 are pending in the application.

Favorable reconsideration of the application is respectfully requested in view of the amendments and following comments.

I. CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1-8 and 10-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa (JP 2001-275552 – Abstract and Machine Translation) in view of Hiroko (JP 09-149757 – Abstract only). The Examiner acknowledges that Hosokawa fails to explicitly disclose that the non-gelatinized flour is derived from roasted wheat flour. Nevertheless, it is the Examiner's position that it would have been obvious to have used roasted wheat flour, as taught by Hiroko, for the purpose of making a product with good solubility in the mouth and crispy texture.

In support of the rejection, the Examiner relies on the disclosure of Hosokawa of a dough composition comprising cereal flour and a pre-gelatinized flour, wherein the cereal flours used conventionally for pretzels include wheat flour, barley powder, rye flour, Oates powder and corn flour. With regard to claim 1, the Examiner asserts that "[g]iven that it is well known that corn flour and rye flour do not contain active gluten, it is clear that Hosokawa discloses a dough composition wherein the amount of gluten is 5 weight % or less".

Applicant respectfully disagrees with the Examiner's assertion. Although it is well known that corn flour and rye flour do not contain active gluten, those skilled in the art would understand that Hosokawa (JP 2001-275552) does **not** teach or suggest to use a dough composition wherein the amount of active gluten is 5 weight% or less. Hosokawa describes in paragraph 0078 that "[i]n order to manufacture the biscuit having a hollow stick shape, regarding physical properties of mixed dough at the time of extrusion molding, it is necessary that the dough is appropriately soft, well stretched and elastic enough to remain in one piece". Furthermore, Hosokawa describes in paragraph 0079 that "[i]n the case of a biscuit which does not use pregelatinized wheat flour, i.e., in the case of a usual biscuit, gluten is generated in wheat flour by kneading to form a

skeleton of the dough". A partial English translation of this part of Hosokawa is attached hereto as Exhibit 1.

In view of these explicit disclosures, those skilled in the art would understand that Hosokawa teaches that active gluten is usually needed in order to obtain dough that is well stretched and elastic enough to remain in one piece. Because corn flour and rye flour do not contain active gluten, if only corn flour or rye flour is used as cereal flour, the resultant dough will not contain active gluten. Further, a skeleton formed solely by pregelatinized flour is not sufficient to produce a dough hat is well stretched and elastic enough to remain in one piece. Thus, those skilled in the art would understand that a large amount of cereal flour containing active gluten must be added when corn flour or rye flour is used.

Further, it should be noted that Hosokawa describes in paragraph 0080 that "a skeleton of dough is formed in a different form from gluten" and that "even after the dough is extruded and formed in a hollow stick shape, the capability to maintain the shape is high. That is, it is excellent in shape-maintaining capability". In this regard, Hosokawa describes that pregelatinized wheat flour contributes to the shape-maintaining capability of the dough. However, Hosokawa does not describe that pregelatinized wheat flour contributes to a dough which is well stretched and elastic enough to remain in one piece

From Tables 1 and 2 of Hiroko (translation previously provided by Applicants), it can be understood that a higher amount of roasted wheat flour formulated results in a lower elasticity of the mixed dough, and that when 100 % roasted wheat flour is used, the resultant mixed dough became crumbled. The crumbled dough is not well stretched or elastic enough to remain in one piece. In view of this explicit description, those skilled in the art would understand that if roasted flour is used in Hosokawa, the resultant dough would not be well stretched or elastic enough to remain in one piece, and thus the dough would not be successfully formed into a hollow stick shape. Thus, those skilled in the art would not conceive to use roasted wheat flour as the ungelatinized flour of Hosokawa. The baked snack of the present invention is not obvious over Hosokawa in view of Hiroko. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-8 and 10-17 under 35 U.S.C. §103(a).

II. CONCLUSION

For at least the foregoing reasons, claims 1-8 and 10-17 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, reference number YAMAP0998US.

Respectfully submitted,

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DATE: August 20, 2009

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Exhibit 1
Partial Translation of Hosokawa (JP 2001-275552)

1st sentence of paragraph [0078]

In order to manufacture the biscuit having a hollow stick shape, regarding physical properties of mixed dough at the time of extrusion molding, it is necessary that the dough is appropriately soft, well stretched and elastic enough to remain in one piece.

1st sentence of paragraph [0079]

In the case of a biscuit which does not use pregelatinized wheat flour, i.e., in the case of a usual biscuit, gluten is generated in wheat flour by kneading to form a skeleton of the dough.

1st sentence to 6th sentence of paragraph [0080]

On the other hand, since pregelatinized wheat flour is wheat flour obtained by adding water, heating and then drying, there is no work of gluten. However, gelatinization is caused by adding water of normal temperature, and viscosity is produced. For this reason, a skeleton of dough is formed in a different form from gluten. Moreover, pregelatinized wheat flour shows more stable high viscosity compared with other materials, for example, pregelatinized starch etc. Even if intense stirring and heating are performed, the viscosity is not likely to be lowered. For this reason, even after the dough is extruded and formed in a hollow stick shape, the capability to maintain the shape is high. That is, it is excellent in shape-maintaining capability.